IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application of

Wille et al.

Serial No.: 10/593,453

Filed: September 19, 2006

For: Motor Vehicle Control System

REPLY BRIEF

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REPLY TO EXAMINER'S ANSWER

In order for a reference to anticipate a claimed invention, every element of the claimed subject matter and every limitation of the claimed subject matter must be described in the reference as arranged in the claimed invention.[1]

Obradovich does not anticipate the claimed invention. The Examiner's answer cites column 4 of Obradovich. The Examiner indicates display 205 is the output control and control subsystem 121 is the functional control. As such, Obradovich does not anticipate the claimed invention, because display 205 (the alleged output control) does not comprise an information memory for storage of information concerning the motor vehicle, whereby the information concerning the operation of the motor vehicle is accessible from the information memory. Display 205 is merely a liquid crystal display.

In response to the arguments made in the Appeal Brief, the Examiner cites, for the first time, column 12, lines 12 – 17 of Obradovich. The Examiner argues this paragraph discloses the storage of personal preference data, which can contain information regarding the user preferred settings of the doors, locks, windows, engine, performance profiles, climate control, audio system, and other vehicle functions. There is no need to sort out what the Examiner considers the output control and the functional control because personal preference data is not generated or supplied by a functional control; it is generated or supplied by a user.

Inaba does not anticipate the claimed invention. Paragraph [0035] of Inaba merely describes a warning control unit that compares values from a sensor with a normal value. Only the normal value is stored in ROM 2. Inaba provides no indication that the values obtained from the sensor can or should be stored in ROM 2.

Unlike the Advisory action mailed September 10, 2009, the Examiner's answer does not cite paragraph [0037] of Inaba. The Appeal Brief addressed the Advisory action's arguments regarding Paragraph [0037] of Inaba.

In response to the arguments made in the Appeal Brief, the Examiner cites, for the first time, paragraph [0004] of Inaba, arguing this paragraph discloses "traffic information data is written into the memory, and when the running speed is not larger

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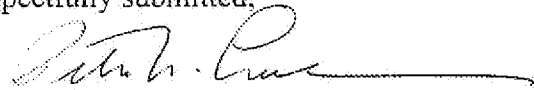[1] *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)

than a predetermined value, it is read out and displayed." Ironically, giving the Examiner's chastisement that the reference must be considered as a whole, the Examiner fails to consider the entirety of paragraph [0004]. Paragraph [0004] makes clear that the "traffic information data" exists in an FM radio wave received by a radio. The traffic information data, therefore, is not information concerning the operation of a motor vehicle generated or supplied by a functional control.

Appellants respectfully request reversal of the rejection.

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